

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY  
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 MONICA GONZALEZ, :  
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 Plaintiff, : 24-cv-6745 (LJL)  
 :  
 -v- :  
 :  
 QUADRANT CAPITAL ADVISORS, INC. and CARLA :  
 BRILLEMBOURG, :  
 :  
 Defendants. :  
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LEWIS J. LIMAN, United States District Judge:

On December 19, 2024, Plaintiff filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Dkt. No. 12. On January 6, 2025, the Court noted that under Second Circuit law, any settlement of a case brought pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”) must be scrutinized by the Court to ensure that it is fair. Dkt. No. 13 (citing *Fisher v. SD Protection Inc.*, 948 F.3d 593, 600 (2d. Cir. 2020); *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015)). The Court scheduled a *Cheeks* hearing and ordered the parties to submit a letter explaining the basis for any proposed settlement. *Id.* The Second Circuit has held that even where a dismissal is effected pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), as opposed to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the district court may properly inquire as to the existence of any FLSA settlement, and, if there is a FLSA settlement, the district court must then engage in a *Cheeks* fairness review. *See Samake v. Thunder Lube, Inc.*, 24 F.4th 804, 811 (2d Cir. 2022). However, “in the absence of a settlement, the notice of dismissal should be so-ordered.” *Id.*

Plaintiff has informed the Court that there is no FLSA settlement. Dkt. No. 14.

Plaintiff's notice of voluntary dismissal is therefore so-ordered and the case is dismissed without prejudice and without costs. All pending deadlines and conferences are cancelled.

SO ORDERED.

Dated: January 7, 2025  
New York, New York

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LEWIS J. LIMAN  
United States District Judge